

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION**

UNITED STATES OF AMERICA, §  
*Plaintiff,* §

v. §

CASE NO.: 7:20-cv-433

3.070 ACRES OF LAND, MORE OR LESS, §  
SITUATE IN STARR COUNTY, STATE §  
OF TEXAS; AND LUIS ERNESTO §  
GONZALEZ AND SONIA GONZALEZ, §  
ET AL, §

*Defendants.* §

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**COMPLAINT IN CONDEMNATION**

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1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1338.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule "B."

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules "C" and "D."

6. The interest being acquired in the property described in Schedules "C" and "D" is set forth in Schedule "E."

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule "F."

8. The names and addresses of known parties having or claiming an interest in said property are set forth in Schedule "G."

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule "E" of the property described in Schedules "C" and "D" be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

**RYAN K. PATRICK**  
United States Attorney  
Southern District of Texas

By: *s/ Megan Eyes*  
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# **SCHEDULE**

# **A**

**SCHEDULE A**

**AUTHORITY FOR THE TAKING**

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved March 23, 2018, as Public Law 115-141, div. F, tit. II, 132 Stat. 348, which appropriated the funds that shall be used for the taking.

# **SCHEDULE**

# **B**

**SCHEDULE B**

**PUBLIC PURPOSE**

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

# **SCHEDULE**

# **C**

## **SCHEDULE C**

### **LEGAL DESCRIPTION**

Starr County, Texas

Tract: RGV-RGC-6052

Owner: Luis Ernesto Gonzalez and Sonia Gonzalez, et al.

Acres: 3.070

**Being** a 3.070 acre tract (133,733 sq ft) parcel of land, more or less, out of a calculated 26.892 acres, being in the East half of Porcion No. 79, in Starr County, Texas conveyed to Roy Lund, Volume 1240, Page 658 and Luis Ernesto Gonzalez, Volume 1161, Page 261. Said parcel of land more particularly described by metes and bounds as follows;

**Starting** at COE Project control marker SR-01 2019, having the following NAD83 (2011) Grid Coordinates N=16662165.65, E=876387.48; Thence N80°01'03"E a distance of 3403.19 feet to a found 5/8" iron rod on the North line of the Heirs of George Lund tract, for the **Point of Commencement**, having the following coordinates: N=16662755.58, E=879739.15.

**Thence:** S27°16'50"W departing said property line, to an existing barbed wire fence line, a distance of 1744.97 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-6051-2=6052-1, on the East line of the Gladys Marie Doyno ET AL tract, Volume 1510, Page 263 and on the West line of the Heirs of George Lund tract, for the **Point of Beginning**, having the following coordinates: N=16661204.69, E=878939.34, said point being on the Northern boundary of the parcel herein described.

**Thence:** S78°11'25"E departing said property line, departing said fence, along said Northern boundary, a distance of 308.41 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-6052-1A for a Point on Line;

**Thence:** S78°11'25"E along said Northern boundary, crossing an existing barbed wire fence line at 147.93 feet, crossing the center of an existing 10 foot wide dirt road at 155 feet, a distance of 308.41 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-6052-2=6053-1 for angle, said point being on the East line of the Heirs of George Lund tract and on the West line of the Paul Michael Doyno, Jr. Etal tract, Volume 1510, Page 263 and on the East line of Porcion 79 and on the West line of Porcion 80;

**Thence:** S08°15'35"W departing said Northern boundary, along said property line, along said Porcion line, a distance of 210.40 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-6052-3=6053-4 for angle, said point being Southern boundary of the parcel herein described;

**SCHEDULE C (cont.)**

**Thence:** N78°11'25"W along said Southern boundary, departing said property line, departing said Porcion line, crossing the center of an existing 10 foot wide dirt road at 266 feet, crossing an existing barbed wire fence line at 271.95 feet, a distance of 328.42 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-6052-3A for a Point on Line;

**Thence:** N78°11'25"W along said Southern boundary, crossing the center of an existing 8 foot wide dirt road at 320 feet, to an existing barbed wire fence line, a distance of 328.42 feet to a set 5/8" x 36" iron rebar and EMC Inc. 3" aluminum cap stamped RGV-RGC-6051- 3=6052-4 for angle, said point being on the East line of the Gladys Marie Doyno ET AL tract, Volume 1510, Page 263 and on the West line of the Heirs of George Lund tract;

**Thence:** N19°07'57"E along said property line, along said fence, departing said Southern boundary, a distance of 211.73 feet returning to the **Place of Beginning**.

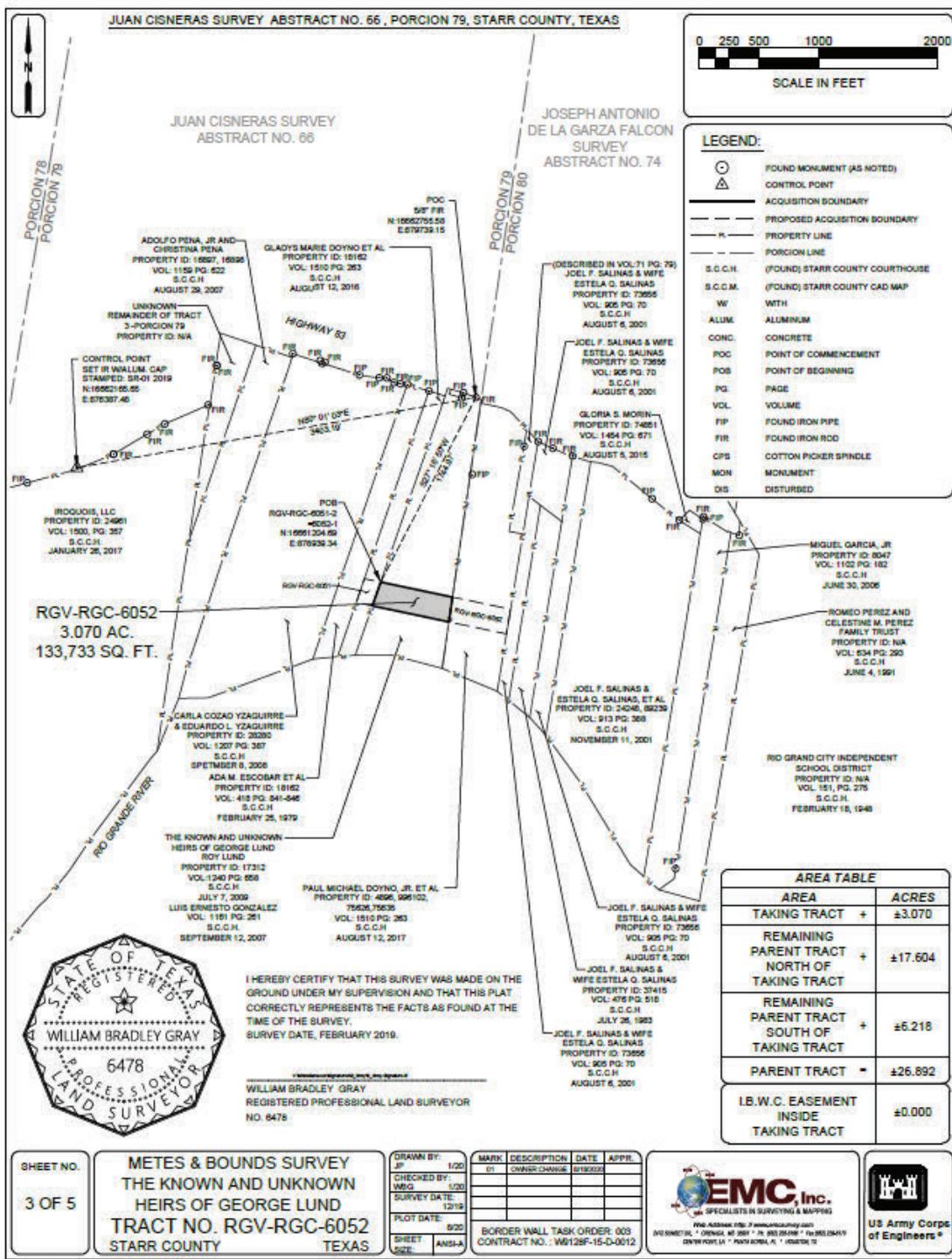
# **SCHEDULE**

# **D**

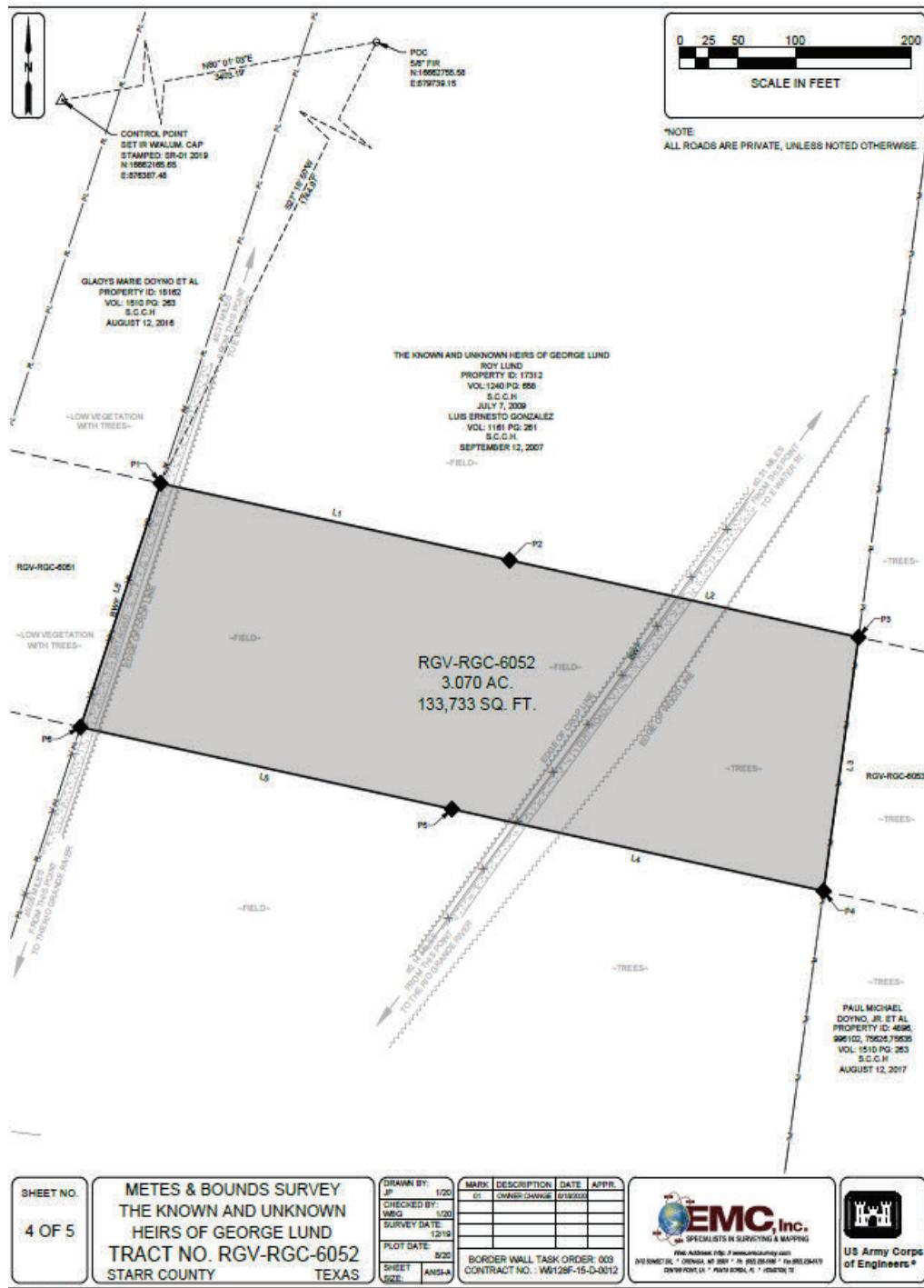
**SCHEDULE D**

## MAP or PLAT

## LAND TO BE CONDEMNED



**SCHEDULE D (cont.)**



**SCHEDULE D (cont.)**

| LEGEND:   |   |  |  |          |             |
|---|---|--|--|----------|-------------|
| FOUND MONUMENT (AS NOTED)   | COMMUNICATION/TELEPHONE JUNCTION BOX/PEDESTAL   |  |  |          |             |
| SET MONUMENT  | OVERHEAD COMMUNICATIONS/TELEPHONE LINE  |  |  |          |             |
| CONTROL POINT   | UNDERGROUND COMMUNICATIONS/TELEPHONE LINE   |  |  |          |             |
| ACQUISITION BOUNDARY  | UNDERGROUND FIBER OPTIC LINE  |  |  |          |             |
| PROPOSED ACQUISITION BOUNDARY   | CATCH BASIN   |  |  |          |             |
| EASEMENT LINE   | STORM GRATE   |  |  |          |             |
| PROPERTY LINE   | STORM SEWER VALVE   |  |  |          |             |
| PORCION LINE  | STORM MANHOLE   |  |  |          |             |
| EXISTING WALL   | STORM SEWER   |  |  |          |             |
| LEVEE TOP BANK  | CULVERT   |  |  |          |             |
| LEVEE TOE   | HEADWALL AND WINGWALL   |  |  |          |             |
| EDGE OF ROAD (TYPE NOTED)   | TOP OF DITCH  |  |  |          |             |
| GUARD RAIL  | BOTTOM OF DITCH   |  |  |          |             |
| SAVE AND EXCEPT AREA  | EDGE OF WATER   |  |  |          |             |
| EDGE OF SIDEWALK  | WATER PUMP  |  |  |          |             |
| BUILDING OUTLINE (SEE LABEL)  | MONITORING WELL   |  |  |          |             |
| FENCE (TYPE NOTED)  | WATER VALVE   |  |  |          |             |
| EDGE OF STRUCTURE (SEE LABEL)   | WATER METER   |  |  |          |             |
| BRIDGE OUTLINE  | HYDRANT   |  |  |          |             |
| OVERHEAD ELECTRICAL LINE  | WATER EXTINGUISHER/FAUCET/SPOKET  |  |  |          |             |
| UNDERGROUND ELECTRICAL LINE   | WATER MANHOLE   |  |  |          |             |
| LIGHT POLE  | LIFT STATION  |  |  |          |             |
| UTILITY POLE  | PUMP STATION  |  |  |          |             |
| GUY END   | SEWER CLEAN OUT   |  |  |          |             |
| GUY POLE  | SEWER MANHOLE   |  |  |          |             |
| JUNCTION BOX  | SEWER WATER PUMP  |  |  |          |             |
| ELECTRICAL MANHOLE  | SEWER SEWER VAULT   |  |  |          |             |
| ELECTRICAL METER  | SEWER SEWER LINE  |  |  |          |             |
| ELECTRICAL PULL BOX   | GAS TANK  |  |  |          |             |
| TRANSMISSION TOWER  | GAS VALVE   |  |  |          |             |
| SUBSTATION  | GAS METER   |  |  |          |             |
| ELECTRICAL TRANSFORMER  | GAS LINE MARKER   |  |  |          |             |
| COMMUNICATION/TELEPHONE MANHOLE   | GAS VAULT   |  |  |          |             |
| GENERAL SURVEYOR'S NOTES:   |   |  |  |          |             |
| 1. THE BEARINGS, DISTANCES AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD 83(2011) TX SOUTH ZONE(4205), US SURVEY FEET, USING THE COR8(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING A SCALE FACTOR OF 0.0000408671 (E.G. GRID X 0.0000408671 = SURFACE). |   |  |  |          |             |
| 2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.  |   |  |  |          |             |
| 3. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THE SUBJECT PARCEL MAY BE SUBJECT TO RECORDED, UNRECORDED OR MIS-INDEXED INSTRUMENTS OR FACTS WHICH WOULD BE REVEALED BY A THOROUGH TITLE EXAMINATION.  |   |  |  |          |             |
| 4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND/OR GIS INFORMATION PROVIDED BY THE COUNTY AND IS NOT BASED ON FIELD DIMENSIONS.   |   |  |  |          |             |
| 5. EMC, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS THE PRIME CONSULTANT. THE CORPS CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-11453.  |   |  |  |          |             |
| 6. PORCION LINES ARE DERIVED FROM PUBLIC GIS INFORMATION.   |   |  |  |          |             |
| 7. TEXAS 811 UTILITY LOCATE REQUEST WAS SUBMITTED FOR THIS SURVEY ON DECEMBER 18, 2019 (TICKET NO. 1985268452).   |   |  |  |          |             |
| PARCEL TABLE  |   |  |  |          |             |
| MONUMENT/LINE/CURVE#  | MONUMENT NAME   | NORTHING   | EASTING  | DISTANCE | DIRECTION   |
| P1  | RGV-RGC-6051-2=6052-1   | 16661204.69  | 878939.34  |          |             |
| L1  |   |  |  | 308.41'  | 578°11'25"E |
| P2  | RGV-RGC-6052-1A   | 16661141.57  | 879241.22  |          |             |
| L2  |   |  |  | 308.41'  | 578°11'25"E |
| P3  | RGV-RGC-6052-2=6053-1   | 16661078.46  | 879543.10  |          |             |
| L3  |   |  |  | 210.40'  | 508°15'35"W |
| P4  | RGV-RGC-6052-3=6053-4   | 16660870.23  | 879512.88  |          |             |
| L4  |   |  |  | 328.42'  | N78°11'25"W |
| P5  | RGV-RGC-6052-3A   | 16660937.45  | 879191.41  |          |             |
| L5  |   |  |  | 328.42'  | N78°11'25"W |
| P6  | RGV-RGC-6051-3=6052-4   | 16661004.66  | 878869.95  |          |             |
| L6  |   |  |  | 211.73'  | N19°07'57"E |
| SHEET NO.   | METES & BOUNDS SURVEY<br>THE KNOWN AND UNKNOWN<br>HEIRS OF GEORGE LUND<br>TRACT NO. RGV-RGC-6052<br>STARR COUNTY<br>TEXAS | DRAWN BY:<br>JP<br>CHECKED BY:<br>WMB<br>SURVEY DATE:<br>12/19<br>PLOT DATE:<br>6/20 | MARK<br>#<br>OWNER/CHANGER<br>M1500206<br>1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24<br>25<br>26<br>27<br>28<br>29<br>30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53<br>54<br>55<br>56<br>57<br>58<br>59<br>60<br>61<br>62<br>63<br>64<br>65<br>66<br>67<br>68<br>69<br>70<br>71<br>72<br>73<br>74<br>75<br>76<br>77<br>78<br>79<br>80<br>81<br>82<br>83<br>84<br>85<br>86<br>87<br>88<br>89<br>90<br>91<br>92<br>93<br>94<br>95<br>96<br>97<br>98<br>99<br>100<br>101<br>102<br>103<br>104<br>105<br>106<br>107<br>108<br>109<br>110<br>111<br>112<br>113<br>114<br>115<br>116<br>117<br>118<br>119<br>120<br>121<br>122<br>123<br>124<br>125<br>126<br>127<br>128<br>129<br>130<br>131<br>132<br>133<br>134<br>135<br>136<br>137<br>138<br>139<br>140<br>141<br>142<br>143<br>144<br>145<br>146<br>147<br>148<br>149<br>150<br>151<br>152<br>153<br>154<br>155<br>156<br>157<br>158<br>159<br>160<br>161<br>162<br>163<br>164<br>165<br>166<br>167<br>168<br>169<br>170<br>171<br>172<br>173<br>174<br>175<br>176<br>177<br>178<br>179<br>180<br>181<br>182<br>183<br>184<br>185<br>186<br>187<br>188<br>189<br>190<br>191<br>192<br>193<br>194<br>195<br>196<br>197<br>198<br>199<br>200<br>201<br>202<br>203<br>204<br>205<br>206<br>207<br>208<br>209<br>210<br>211<br>212<br>213<br>214<br>215<br>216<br>217<br>218<br>219<br>220<br>221<br>222<br>223<br>224<br>225<br>226<br>227<br>228<br>229<br>229<br>230<br>231<br>232<br>233<br>234<br>235<br>236<br>237<br>238<br>239<br>239<br>240<br>241<br>242<br>243<br>244<br>245<br>246<br>247<br>248<br>249<br>249<br>250<br>251<br>252<br>253<br>254<br>255<br>256<br>257<br>258<br>259<br>259<br>260<br>261<br>262<br>263<br>264<br>265<br>266<br>267<br>268<br>269<br>269<br>270<br>271<br>272<br>273<br>274<br>275<br>276<br>277<br>278<br>279<br>279<br>280<br>281<br>282<br>283<br>284<br>285<br>286<br>287<br>287<br>288<br>289<br>289<br>290<br>291<br>292<br>293<br>294<br>295<br>295<br>296<br>297<br>297<br>298<br>299<br>299<br>300<br>301<br>302<br>303<br>304<br>305<br>306<br>307<br>308<br>309<br>309<br>310<br>311<br>312<br>313<br>314<br>315<br>316<br>317<br>318<br>319<br>319<br>320<br>321<br>322<br>323<br>324<br>325<br>326<br>327<br>328<br>329<br>329<br>330<br>331<br>332<br>333<br>334<br>335<br>336<br>337<br>338<br>339<br>339<br>340<br>341<br>342<br>343<br>344<br>345<br>346<br>347<br>348<br>349<br>349<br>350<br>351<br>352<br>353<br>354<br>355<br>356<br>357<br>358<br>359<br>359<br>360<br>361<br>362<br>363<br>364<br>365<br>366<br>367<br>368<br>369<br>369<br>370<br>371<br>372<br>373<br>374<br>375<br>376<br>377<br>378<br>379<br>379<br>380<br>381<br>382<br>383<br>384<br>385<br>386<br>387<br>388<br>389<br>389<br>390<br>391<br>392<br>393<br>394<br>395<br>396<br>397<br>398<br>399<br>399<br>400<br>401<br>402<br>403<br>404<br>405<br>406<br>407<br>408<br>409<br>409<br>410<br>411<br>412<br>413<br>414<br>415<br>416<br>417<br>418<br>419<br>419<br>420<br>421<br>422<br>423<br>424<br>425<br>426<br>427<br>428<br>429<br>429<br>430<br>431<br>432<br>433<br>434<br>435<br>436<br>437<br>438<br>439<br>439<br>440<br>441<br>442<br>443<br>444<br>445<br>446<br>447<br>448<br>449<br>449<br>450<br>451<br>452<br>453<br>454<br>455<br>456<br>457<br>458<br>459<br>459<br>460<br>461<br>462<br>463<br>464<br>465<br>466<br>467<br>468<br>469<br>469<br>470<br>471<br>472<br>473<br>474<br>475<br>476<br>477<br>478<br>479<br>479<br>480<br>481<br>482<br>483<br>484<br>485<br>486<br>487<br>488<br>489<br>489<br>490<br>491<br>492<br>493<br>494<br>495<br>496<br>497<br>498<br>499<br>499<br>500<br>501<br>502<br>503<br>504<br>505<br>506<br>507<br>508<br>509<br>509<br>510<br>511<br>512<br>513<br>514<br>515<br>516<br>517<br>518<br>519<br>519<br>520<br>521<br>522<br>523<br>524<br>525<br>526<br>527<br>528<br>529<br>529<br>530<br>531<br>532<br>533<br>534<br>535<br>536<br>537<br>538<br>539<br>539<br>540<br>541<br>542<br>543<br>544<br>545<br>546<br>547<br>548<br>549<br>549<br>550<br>551<br>552<br>553<br>554<br>555<br>556<br>557<br>558<br>559<br>559<br>560<br>561<br>562<br>563<br>564<br>565<br>566<br>567<br>568<br>569<br>569<br>570<br>571<br>572<br>573<br>574<br>575<br>576<br>577<br>578<br>579<br>579<br>580<br>581<br>582<br>583<br>584<br>585<br>586<br>587<br>588<br>589<br>589<br>590<br>591<br>592<br>593<br>594<br>595<br>596<br>597<br>597<br>598<br>599<br>599<br>600<br>601<br>602<br>603<br>604<br>605<br>606<br>607<br>608<br>609<br>609<br>610<br>611<br>612<br>613<br>614<br>615<br>616<br>617<br>618<br>619<br>619<br>620<br>621<br>622<br>623<br>624<br>625<br>626<br>627<br>628<br>629<br>629<br>630<br>631<br>632<br>633<br>634<br>635<br>636<br>637<br>638<br>639<br>639<br>640<br>641<br>642<br>643<br>644<br>645<br>646<br>647<br>648<br>649<br>649<br>650<br>651<br>652<br>653<br>654<br>655<br>656<br>657<br>658<br>659<br>659<br>660<br>661<br>662<br>663<br>664<br>665<br>666<br>667<br>668<br>669<br>669<br>670<br>671<br>672<br>673<br>674<br>675<b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Tract: RGV-RGC-6052

Owner: Luis Ernesto Gonzalez and Sonia Gonzalez, et al.

Acreage: 3.070

# **SCHEDULE**

# **E**

**SCHEDULE E**

**DT ESTATE**

Starr County, Texas

Tract(s): RGV-RGC-6052

Owner: Luis Ernesto Gonzalez and Sonia Gonzalez, et al.

Acres: 3.070

The estate acquired is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to the mineral interests of third parties; excepting and reserving to the Grantor all interests in minerals and appurtenant rights for the exploration, development, production and removal of said minerals;

Reserving to the owners of lands identified in conveyances recorded with Official Records of Starr County, Texas, volume 1240, page 658, and volume 1161, page 261, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation, and maintenance of the border barrier.

**SCHEDULE E (cont.)**



# **SCHEDULE**

# **F**

**SCHEDULE F**

**ESTIMATE OF JUST COMPENSATION**

The sum estimated as just compensation for the land being taken is TWENTY THREE THOUSAND, FOUR HUNDRED AND SEVENTY DOLLARS AND NO/100 (\$23,470.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

# **SCHEDULE**

# **G**

**SCHEDULE G****INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. See Fed. R. Civ. P. 71.1(c).

| Interested Party  | Reference   |
|---|---|
| <b>Luis Ernesto Gonzalez and Sonia Gonzalez</b><br>[REDACTED] | <b>RGV-RGC-6052</b><br>Warranty Deed, recorded in Volume 1161, Page 261, Official Records, Starr County, and as Instrument No. 2007-268741;<br><br>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division.   |
| <b>Nora Lund Gomez</b><br>[REDACTED]                          | Motion to Substitute Nora Lund Gomez and Jacqueline Mae Lund Thompson in Place of "Unknown Heirs of Roy Leonard Lund," filed 6 February 2019 as Case 7:08-CV-203, Document 67, in The United States District Court Southern District of Texas McAllen Division;<br><br>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division. |
| <b>Jacqueline Mae Lund Thompson</b><br>[REDACTED]             | Motion to Substitute Nora Lund Gomez and Jacqueline Mae Lund Thompson in Place of "Unknown Heirs of Roy Leonard Lund," filed 6 February 2019 as Case 7:08-CV-203, Document 67, in The United States District Court Southern District of Texas McAllen Division;<br><br>Second Amendment to Consolidated Declaration of Taking, filed on 12  |

|  |  |
|--|--|
|  | September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division.   |
| <b>John Lund</b><br>[REDACTED]   | Motion to Add John Lund as a Party Defendant, filed 26 March 2019 as Case No. 7:08-CV-203, Document 79, in The United States District Court Southern District of Texas McAllen Division;<br><br>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division.   |
| <b>John D. Lund</b><br>c/o Jay Bartlett, Attorney<br>100 N. Tampa St., Suite 2050<br>Tampa, FL 33602 | Motion to Add Darlene K. Lund Bailey, John D. Lund, Tandy Z. Lund Hinrichs, and Dina M. Lund Castaneda as Party Defendants, filed 22 March 2019 as Case No. 7:08-CV-203, Document 77, in The United States District Court Southern District of Texas McAllen Division;<br><br>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division. |
| <b>Darlene K. Lund Bailey</b><br>[REDACTED]  | Motion to Add Darlene K. Lund Bailey, John D. Lund, Tandy Z. Lund Hinrichs, and Dina M. Lund Castaneda as Party Defendants, filed 22 March 2019 as Case No. 7:08-CV-203, Document 77, in The United States District Court Southern District of Texas McAllen Division;<br><br>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division. |

|   |   |
|---|---|
| <p><b>Tandy Z. Lund Hinrichs</b></p> <p>[REDACTED]</p>  | <p>Motion to Add Darlene K. Lund Bailey, John D. Lund, Tandy Z. Lund Hinrichs, and Dina M. Lund Castaneda as Party Defendants, filed 22 March 2019 as Case No. 7:08-CV-203, Document 77, in The United States District Court Southern District of Texas McAllen Division;</p> <p>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division.</p> |
| <p><b>Dina M. Lund Castaneda</b></p> <p>[REDACTED]</p>  | <p>Motion to Add Darlene K. Lund Bailey, John D. Lund, Tandy Z. Lund Hinrichs, and Dina M. Lund Castaneda as Party Defendants, filed 22 March 2019 as Case No. 7:08-CV-203, Document 77, in The United States District Court Southern District of Texas McAllen Division;</p> <p>Second Amendment to Consolidated Declaration of Taking, filed on 12 September 2019 as Instrument No. 2019-352264, in The United States District Court Southern District of Texas McAllen Division.</p> |
| <p><b>Ameida Salinas</b><br/>Starr County, Texas, Tax Assessor-Collector<br/>100 N FM 3167, Ste. 200<br/>Rio Grande City, Texas 78582</p> | <p>Property Taxes</p>   |
| <p><b>The Known and Unknown Heirs of Rosa Lund Harris, Deceased</b></p>   | <p>Unopposed Motion to Dismiss the Estate of Rosa Lund Harris, filed 29 May 2019 as Case No. 7:08-CV-203, Document 85, in The United States District Court Southern District of Texas McAllen Division.</p>   |

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

**(b)** County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
Megan Eyes, Assistant United States Attorney, SDTX, 1701 W. Bus.  
Hwy. 83, Suite 600, McAllen, TX 78501

**DEFENDANTS**

3.070 ACRES OF LAND, MORE OR LESS, SITUATE IN STARR COUNTY, STATE OF TEXAS; AND LUIS ERNESTO GONZALEZ AND SONIA GONZALEZ, ET AL

County of Residence of First Listed Defendant **STARR**

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

|   |   |
|---|---|
| <input checked="" type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question<br>(U.S. Government Not a Party)          |
| <input type="checkbox"/> 2 U.S. Government Defendant            | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
(For Diversity Cases Only)

|   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

| CONTRACT   | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY  | OTHER STATUTES  |
|--|--|--|---|---|
| <input type="checkbox"/> 110 Insurance   | <b>PERSONAL INJURY</b>   | <b>PERSONAL INJURY</b>   | <input type="checkbox"/> 422 Appeal 28 USC 158                              | <input type="checkbox"/> 375 False Claims Act   |
| <input type="checkbox"/> 120 Marine  | <input type="checkbox"/> 310 Airplane                              | <input type="checkbox"/> 365 Personal Injury - Product Liability                           | <input type="checkbox"/> 423 Withdrawal 28 USC 157                          | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))   |
| <input type="checkbox"/> 130 Miller Act  | <input type="checkbox"/> 315 Airplane Product Liability            | <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability |   | <input type="checkbox"/> 400 State Reapportionment  |
| <input type="checkbox"/> 140 Negotiable Instrument                                   | <input type="checkbox"/> 320 Assault, Libel & Slander              | <input type="checkbox"/> 330 Federal Employers' Liability                                  |   | <input type="checkbox"/> 410 Antitrust  |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment       | <input type="checkbox"/> 340 Marine                                | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability                    |   | <input type="checkbox"/> 430 Banks and Banking  |
| <input type="checkbox"/> 151 Medicare Act  | <input type="checkbox"/> 345 Marine Product Liability              | <b>PERSONAL PROPERTY</b>   |   | <input type="checkbox"/> 450 Commerce   |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 350 Motor Vehicle                         | <input type="checkbox"/> 370 Other Fraud   | <input type="checkbox"/> 460 Deportation                                    |   |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits           | <input type="checkbox"/> 355 Motor Vehicle Product Liability       | <input type="checkbox"/> 371 Truth in Lending  | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |   |
| <input type="checkbox"/> 160 Stockholders' Suits                                     | <input type="checkbox"/> 360 Other Personal Injury                 | <input type="checkbox"/> 380 Other Personal Property Damage                                | <input type="checkbox"/> 480 Consumer Credit                                |   |
| <input type="checkbox"/> 190 Other Contract  | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | <input type="checkbox"/> 385 Property Damage Product Liability                             | <input type="checkbox"/> 490 Cable/Sat TV                                   |   |
| <input type="checkbox"/> 195 Contract Product Liability                              |  |  | <input type="checkbox"/> 820 Copyrights                                     |   |
| <input type="checkbox"/> 196 Franchise   |  |  | <input type="checkbox"/> 830 Patent   |   |
| <b>REAL PROPERTY</b>   | <b>CIVIL RIGHTS</b>  | <b>HABEAS CORPUS:</b>  | <b>SOCIAL SECURITY</b>  | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application                        |
| <input checked="" type="checkbox"/> 210 Land Condemnation                            | <input type="checkbox"/> 440 Other Civil Rights                    | <input type="checkbox"/> 463 Alien Detainee  | <input type="checkbox"/> 840 Trademark                                      | <input type="checkbox"/> 840 Consumer Credit  |
| <input type="checkbox"/> 220 Foreclosure   | <input type="checkbox"/> 441 Voting                                | <input type="checkbox"/> 510 Motions to Vacate Sentence                                    | <b>FEDERAL TAX SUITS</b>  | <input type="checkbox"/> 850 Securities/Commodities/ Exchange                                 |
| <input type="checkbox"/> 230 Rent Lease & Ejectment                                  | <input type="checkbox"/> 442 Employment                            | <input type="checkbox"/> 530 General   | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)            | <input type="checkbox"/> 890 Other Statutory Actions  |
| <input type="checkbox"/> 240 Torts to Land   | <input type="checkbox"/> 443 Housing/ Accommodations               | <input type="checkbox"/> 535 Death Penalty   | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609                    | <input type="checkbox"/> 891 Agricultural Acts  |
| <input type="checkbox"/> 245 Tort Product Liability                                  | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment     | <b>OTHER:</b>  |   | <input type="checkbox"/> 893 Environmental Matters  |
| <input type="checkbox"/> 290 All Other Real Property                                 | <input type="checkbox"/> 446 Amer. w/Disabilities - Other          | <input type="checkbox"/> 540 Mandamus & Other  |   | <input type="checkbox"/> 895 Freedom of Information Act                                       |
|  | <input type="checkbox"/> 448 Education                             | <input type="checkbox"/> 550 Civil Rights  |   | <input type="checkbox"/> 896 Arbitration  |
|  |  | <input type="checkbox"/> 555 Prison Condition  |   | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision |
|  |  | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement                    |   | <input type="checkbox"/> 950 Constitutionality of State Statutes                              |
|  |  |  |   |   |

**V. ORIGIN** (Place an "X" in One Box Only)

|   |   |  |   |  |  |   |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

40 U.S.C. 3113 and 3114

**VI. CAUSE OF ACTION**Brief description of cause:  
Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security.**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION  
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S)**

IF ANY

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

12/28/2020

SIGNATURE OF ATTORNEY OF RECORD

s/ Megan Eyes

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_